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| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |    | Application No.        | 09/964,820         |
|   |    | Filing Date            | September 26, 2001 |
|   |    | First Named Inventor   | David G. Leeper    |
|   |    | Art Unit               | 2634               |
|   |    | Examiner Name          | H. Vartanian       |
| Total Number of Pages in This Submission  | 24 | Attorney Docket Number | 42390P10398        |

| ENCLOSURES (check all that apply)   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input checked="" type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Response<br><br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> PTO/SB/08<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Basic Filing Fee<br><input type="checkbox"/> Declaration/POA<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><br><input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Postcard</div> |
| Remarks   |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Gregory D. Caldwell, Reg. No. 39,926<br><b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b> |
| Signature                                  | <i>Paul A. Mendonca</i> REG No 42,879   |
| Date                                       | October 21, 2004 <i>PAUL A. MENDONCA</i>  |

| CERTIFICATE OF MAILING/TRANSMISSION   |                        |      |                  |
|---|------------------------|------|------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                        |      |                  |
| Typed or printed name   | Gayle M. Bekish        |      |                  |
| Signature   | <i>Gayle M. Bekish</i> | Date | October 21, 2004 |



# FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

340.00

## Complete if Known

Application Number 09/964,820  
Filing Date September 26, 2001  
First Named Inventor David G. Leeper  
Examiner Name H. Vartanian  
Art Unit 2634  
Attorney Docket No. 42390P10398

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002         | 350      | 2002         | 175      | Design filing fee      |          |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          |                        | (\$)     |

### 2. EXTRA CLAIM FEES

Total Claims  - 20\*\* =  X  =   
Independent Claims  - 3 =  X  =   
Multiple Dependent

| Large Entity |          | Small Entity |          | Fee Description   | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |          |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |          |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                         |          |
| 1203         | 300      | 2203         | 150      | Multiple Dependent claim, if not paid                     |          |
| 1204         | 88       | 2204         | 44       | **Reissue independent claims over original patent         |          |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) |          |              |          |   | (\$)     |

\*\*or number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid    |
|---------------------|----------|--------------|----------|--|-------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |             |
| 1051                | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |             |
| 1052                | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.                    |             |
| 2053                | 130      | 2053         | 130      | Non-English specification  |             |
| 1812                | 2,520    | 1812         | 2,520    | For filing a request for ex parte reexamination                            |             |
| 1804                | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |             |
| 1805                | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |             |
| 1251                | 110      | 2251         | 55       | Extension for reply within first month                                     |             |
| 1252                | 430      | 2252         | 215      | Extension for reply within second month                                    |             |
| 1253                | 980      | 2253         | 490      | Extension for reply within third month                                     |             |
| 1254                | 1,530    | 2254         | 765      | Extension for reply within fourth month                                    |             |
| 1255                | 2,080    | 2255         | 1,040    | Extension for reply within fifth month                                     |             |
| 1404                | 340      | 2401         | 170      | Notice of Appeal   |             |
| 1402                | 340      | 2402         | 170      | Filing a brief in support of an appeal                                     | 340.00      |
| 1403                | 300      | 2403         | 150      | Request for oral hearing   |             |
| 1451                | 1,510    | 2451         | 1,510    | Petition to institute a public use proceeding                              |             |
| 1452                | 110      | 2452         | 55       | Petition to revive - unavoidable   |             |
| 1453                | 1,370    | 2453         | 685      | Petition to revive - unintentional   |             |
| 1501                | 1,370    | 2501         | 685      | Utility issue fee (or reissue)   |             |
| 1502                | 490      | 2502         | 245      | Design issue fee   |             |
| 1503                | 660      | 2503         | 330      | Plant issue fee  |             |
| 1460                | 130      | 2460         | 130      | Petitions to the Commissioner  |             |
| 1807                | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |             |
| 1806                | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |             |
| 8021                | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |             |
| 1809                | 790      | 1809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |             |
| 1810                | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |             |
| 1801                | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |             |
| 1802                | 900      | 1802         | 900      | Request for expedited examination of a design application                  |             |
| Other fee (specify) |          |              |          |  |             |
| SUBTOTAL (3)        |          |              |          |  | (\$) 340.00 |

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) Gregory D. Caldwell PAUL A. MENDONSA Registration No. 39,926 Telephone (503) 439-8778  
Signature [Signature] REC No 42,879 Date 10/21/04



Attorney Docket No.: 42390.P10398

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

|                       |                              |   |                            |
|-----------------------|------------------------------|---|----------------------------|
| In re Application of: | Leeper, David G.             | ) |                            |
|                       |                              | ) |                            |
| Serial No.            | 09/964,820                   | ) | Group Art: 2634            |
|                       |                              | ) |                            |
| Filed:                | 09/26/2001                   | ) | Examiner: Vartanian, Harry |
|                       |                              | ) |                            |
| Title:                | Apparatus and Method for     | ) |                            |
|                       | Handoff in a Wireless System | ) |                            |

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

**IN SUPPORT OF APPELLANT'S APPEAL**

**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to Appellant's Notice of Appeal filed on August 24, 2004, Appellant hereby submits this Brief in support of their Appeal from the Final Action dated March 26, 2004. Appellant respectfully requests consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

10/26/2004 EFLORES 00000012 09964820

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340.00 OP

## **I. REAL PARTY IN INTEREST**

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052.

## **II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

## **III. STATUS OF CLAIMS**

Claims 1-12, 14-21, and 23-25 are pending in the application. Claims 13 and 22 have been canceled. Claims 1-12, 14-21, and 23-25 have been finally rejected. The rejections of dependent Claim 4, independent Claim 14 and its dependent claims, and independent Claim 23 and its dependent claims are appealed. The rejections of Claims 1-3, 5-12, and 18-21 are not argued.

## **IV. STATUS OF AMENDMENTS**

The amendment after final filed May 19, 2004 was not entered into the record.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Embodiments of the present invention relate to a communication system (FIG. 1, 100) having multiple masters (FIG.1, 30, 31, 32, and 33) that provide communication between a network (FIG.1, 60) with a slave device (FIG. 1, 40). (Specification, page 7, line 9 – p. 8, l. 3) To reduce the risk of neighboring master devices interfering with each

other, the master devices may use different hopping sequences that vary the transmission frequency of the master device over time so that neighboring master devices are likely to be transmitting at a different frequency. (Spec., p. 8, ll. 4-11) If the slave is a mobile device, the responsibility for maintaining communication between the slave and the network may be transferred to another master as the mobile device moves away from a master handling its communication. (Spec., p. 8, ll. 12-21) Handoff between master devices is complicated if the other master device is transmitting with different hopping sequences. Handoff is further complicated due to rules and regulations that govern the operation of communications systems – for example, an FCC prohibition on any form of central control to coordinate the hopping sequences used by various master devices in a Bluetooth network. (Spec., p. 2, ll. 4-20)

Referring to Appellant's dependent Claim 4 which is dependent from Claim 1, by way of example, a method is claimed which includes polling (FIG. 3, 320) a first master transmitting device (FIG. 1, one of masters 30-33) with a second master (FIG. 1, another of masters 30-33) to determine a hopping sequence of the first master transmitting device. (Spec., p. 10, l. 21 – p. 11, l. 10) Further, the polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device. (FIG. 1, 40, FIG. 3, 320, Spec., p. 10, l. 21 – p. 11, l. 10)

Referring to independent Claim 14, by way of example, a method of transferring communication from a network (FIG. 1, 60) to a slave device (FIG. 1, 40) is claimed which includes notifying a first master (FIG. 1, one of masters 30-33) of the hopping sequence of the slave with a second master (FIG. 1, another of masters 30-33) and polling

the first master from the second master to determine if the first master is receiving a signal from the slave device. (FIG. 3, 320, Spec., p. 10, l. 21 – p. 11, l. 10)

Referring to independent Claim 23, by way of example, an article is claimed which includes a storage medium having stored thereon instructions, that, when executed by a computing platform (FIG. 2., 200, Spec. p. 5, l. 12-22, and p.8, l. 21 – p. 9, l. 17) results in: notifying a first master (FIG. 1, one of masters 30-33) of a hopping sequence of a slave (FIG. 1, 40) with a second master (FIG. 1, another of masters 30-33), wherein the instructions, when executed, further result in polling the first master from the second master to determine if the first master is receiving a signal from the slave. (FIG. 3, 320, Spec., p. 10, l. 21 – p. 11, l. 10)

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

A. Whether the Examiner erred in rejecting Claim 4 under 35 U.S.C. § 102 as being anticipated by Trompower et al., U.S. Pat. No. 6,088,591 (hereinafter “Trompower ‘591”).

B. Whether the Examiner erred in rejecting Claim 14 and its dependent claims 15- 17 under 35 U.S.C. § 102 as being anticipated by Trompower ‘591.

C. Whether the Examiner erred in rejecting Claim 23 and its dependent claims 24- 25 under 35 U.S.C. § 102 as being anticipated by Trompower ‘591.

## **VII. ARGUMENT**

### **The Claims Are Patentable Over Trompower '591**

The Final Office Action dated 3/26/04 and the Advisory Action dated 8/5/04 have failed to present a prima facie case of anticipation for Applicants' claims. "[F]or anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention ..." MPEP 706.02 (emphasis added). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v., Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Trompower '591 simply fails to disclose every aspect of the claimed invention.

A. Claim 4 stands finally rejected under 35 U.S.C. 102(b) as being anticipated by Trompower '591. Appellant respectfully requests that these rejections be overturned for the following reasons.

Regarding Claim 4, Trompower '591 as least fails to teach or suggest "polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device...wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device" as recited in Claims 1 and Claim 4.

(i) Regarding "polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device"

The Final Office Action dated March 26, 2004 asserts that “polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device” is taught in at least two locations within Trompower ‘591. The first location refers to Col. 21 of Trompower ‘591 where a wireless base station 156 transmits a request to another base station 154, 156, and, in return, the base station 154, 156 transmits the contents of its roaming table. The Office Action asserts that these actions are “to determine a hopping sequence of the first master transmitting device” as recited in Claim 1. However, wireless base station 156 already knows the hopping sequence of the base station 154, 156 prior to these actions. Referring to Col. 21, lines 7-36 of Trompower ‘591, wireless base station 156 performs an exhaustive scan to find all possible base stations available. Then, wireless base station 156 selects the base station 154, 156 which provides the best system performance. The wireless base station 156 then adopts the hopping sequence of the selected base station, and proceeds to register therewith. Only after adopting the hopping sequence of the selected base station and registering does the wireless base station 156 request and receive the roaming table. Although the roaming table may contain a hopping sequence, the request for the roaming table is so that the contents of the roaming table in each of the base stations are substantially identical (See Trompower ‘591, Column 21, lines 40 – 45) and not to determine the hopping sequence of the first master transmitting device.

Further, wireless base station 156 selects the base station 154, 156 which provides the best system performance based on, among other things, the number of system hops needed to reach the system backbone. In this context, wireless base station 156 is a slave device and communicates via the selected base station (a master) to the system backbone.



Therefore, at least here, Trompower '591 does not teach "polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device" as recited in Claim 1.

The second location referred to in the Final Office Action refers to Trompower '591, Column 19, lines 15-38. Here, Trompower '591 discusses the procedure to which each base station 154 enters system 150. Upon power up and completion of self-initialization routines, a base station generates and broadcasts an entry packet. The entry packet requests other base stations to reply with an entry response packet which includes frequency hopping sequences. Applicant acknowledges that with a very broad interpretation of the term "polling," requesting and receiving the entry response packet may be construed as polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device. However, Claim 4 also recites that the "polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device." The entry response packets of Trompower '591 contain no such information. (See also Trompower '591 FIG. 10 (entry response packet) and Col. 14, line 33 – Col. 16, line 44)

(ii) Regarding "wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device"

The Final Office Action asserts that Trompower '591 teaches "wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from the slave device" in Column 10, lines 40-67

of Trompower '591. At this location, Trompower '591 teaches a roamed to indicator 310 containing a flag bit set to indicate that a mobile terminal has roamed thereto in the last 24 hours from the base station in which the roaming table is maintained. However, "has roamed to in the last 24 hours" is not the same as "is receiving a signal from the slave device." In Trompower '591, when the flag is set, a mobile terminal may have roamed to the base station, for example, 10 hours ago, but the base station may not currently be receiving a signal from the mobile device. Further, Trompower '591 teaches "the roamed to indicator 310 is a useful indication of which base stations 154, 156 the mobile terminals 166 previously registered to the preset base station had a tendency to move on to." The roamed to indicator 310 of Trompower'591 is not an indication of "is receiving a signal from the slave device" as recited in Claim 4.

The Final Office Action also asserts that Trompower '591 teaches "wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device" in Column 31, lines 6-14 of Trompower '591. At this location, upon a base station registering a mobile device, a registration notice packet is broadcast to a base station to which the mobile device was previously registered. The Advisory Action states "When the first base station sends its registration notice packet to the second base station, the second station finds out whether or not the first base station is receiving a signal from the mobile device and the first base station is in effect being polled." Applicant acknowledges that a first base station sending a registration notice packet to the second base station may be construed as "determining whether the first master transmitting device is receiving a signal from a slave transmitting device." However, Claim 4 recites that the "polling the

first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device.” As stated above, the Final Office Action relied on the request and receipt of an entry response packet during a base station power up and configuration to teach “polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device.” Receiving an entry response packet does not include receiving a registration notice packet. These two events occur at two different occasions in Trompower ‘591. Receiving an entry response packet occurs during power up and configuration of a base station but receiving a registration notice packet occurs after a mobile device switches transmission between one base station and another base station. Therefore, receiving an entry response packet from other base stations does not include receiving a registration notice packet. Thus, Trompower ‘591 does not teach or suggest “polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device” as recited in Claim 4.

Accordingly, for at least the foregoing reasons, Trompower ‘591 fails to teach the limitations of Claim 4.

B. Claim 14 and its dependent claims 15-17 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Trompower ‘591. Appellant respectfully requests that these rejections be overturned for the following reasons.

Regarding Claim 14, Trompower ‘591 at least fails to teach “notifying a first master of the hopping sequence of the slave with a second master and polling the first

master from the second master to determine if the first master is receiving a signal from the slave device” as recited in Claim 14.

(i) Regarding “notifying a first master of the hopping sequence of the slave with a second master”

The Final Office Action dated March 26, 2004 asserts that “notifying a first master of the hopping sequence of the slave with a second master” is taught in at least two locations within Trompower ‘591. The first location refers to Col. 21 of Trompower ‘591 where a wireless base station 156 transmits a request to another base station 154, 156, and, in return, the base station 154, 156 transmits the contents of its roaming table which contains the hopping sequences of other base stations 154, 156.

As explained above with respect to Claim 4, in this context base station 156 is a slave device because it communicates via the selected base station (a master) to the system backbone. Therefore, Trompower ‘591 does not teach notifying a first master of the hopping sequence of the slave with a second master, but rather teaches the first master notifying the slave of the hopping sequence of other masters. The Final Office Action refers to the wireless base station as a master. Even with the identification of the wireless base station as a master, the communication cited by the Office includes notifying a first master of the hopping sequence of another master with a second master. No slave device is identified or referred to in a roaming table. (See Trompower ‘591, FIG. 10 (roaming table) and Col. 16, line 45 – Col. 18, line 49)

The second location referred to in the Final Office Action refers to Trompower ‘591, Column 19, lines 15-38. Here, Trompower ‘591 discusses the procedure to which each base station 154 enters system 150. After a base station 154 has been connected to

the system backbone 152, the base station 154 is powered up and completes self-initialization routines. In this context, the base station is a master. Then, the base station generates and broadcasts an entry packet. The entry packet requests other base stations to reply with an entry response packet with includes frequency hopping sequences. With this interpretation, the other base stations replying with the entry response packet could be construed to be “notifying a first master (the base station 154) of the hopping sequence of a second master (the other bases stations).” As demonstrated in A(i), hopping sequences of a slave device with a second master are not identified in an entry response packet (See also Trompower ‘591, FIG. 9 (entry response packet), Col. 14, l. 33 – Col. 16, line 44). Further, these operations occur during power up of a device, not during “transferring communication from a network to a slave device” as recited in Claim 14.

Further, Claim 14 recites “polling the first master from the second master to determine if the first master is receiving a signal from the slave device.” As demonstrated below, Trompower ‘591 does not teach this limitation.

(ii) Regarding “polling the first master from the second master to determine if the first master is receiving a signal from the slave device”

The Final Office Action in paragraph 2 asserts that “it was established above that base stations (second masters) do request, or poll, for updated roaming tables from other base stations (first masters). It is therefore evident that when updated roaming tables are sent to the original base station from the other base stations, information is provided onto whether a mobile unit is associated, or receiving a signal, from another base station.”

However, a roaming table of Trompower ‘591 does not include this information. The roaming table includes a base station ID 300, a sequence info 302, a time stamp 304, a

beacon interval 306, a test pattern interval 308 a roamed to indicator 310 and a roam counter 312. (See Trompower '591, FIG. 10, and Col. 16 line 45 – Col. 18, line 49).

The Final Office Action further asserts that Trompower '591 teaches “polling the first master from the second master to determine if the first master is receiving a signal from the slave device” as recited in Claim 14 in Column 10, lines 40-67 of Trompower '591. As demonstrated above in A(ii), a roamed to indicator 310 of Trompower'591 is not an indication of “is receiving a signal from the slave device” as recited in Claim 14.

Further, the Office is confusing the first master and the second master. As established above in B(i) to teach notifying a first master of the hopping sequence of the slave with a second master, the base station (first master) generates and broadcasts an entry packet. The entry packet requests other base stations (second master) to reply (notify) with an entry response packet with includes frequency hopping sequences (of a slave). However, the Office is now switching the first master with the second master to teach “polling the first master from the second master to determine if the first master is receiving a signal from the slave device.” In Trompower '591, a master replying with an entry response packet notifies another master that the other master is communicating with a slave.

The Final Office Action also includes an inaccuracy with respect to Claim 14. In paragraph 2, the Action asserts “applicant is stating a method onto which two master devices verify if the handoff is occurring by checking to see if the first master device is receiving messages from a certain slave device.” Claim 14 contains no such limitations. Further, on page 10, line 21 – page 11, line 2 of Applicant's specification, one embodiment of the invention describes a first master polling other masters to determine if

one of the other master devices can communicate with slave device 40, block 320. If another master can communicate better with slave device 40, it may be appropriate to transfer the communication.

Accordingly, for at least the foregoing reasons, Trompower '591 fails to teach the limitations of Claim 14. The rejection of Claim 14 is thus unsupported, and must be withdrawn. Claims 15-17 depend from allowable Claim 14 and are allowable for at least this reason.

C. Claim 23 and its dependent claims 24-25 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Trompower '591. Appellant respectfully requests that these rejections be overturned for the following reasons.

Regarding Claim 23, Trompower '591 at least fails to teach the instructions that result in notifying a first master of a hopping sequence of a slave with a second master further result in polling the first master from the second master to determine if the first master is receiving a signal from the slave.

*(i) Regarding "instructions that result in notifying a first master of a hopping sequence of a slave with a second master"*

The Final Office Action dated March 26, 2004 asserts that "notifying a first master of the hopping sequence of the slave with a second master" is taught in at least two locations within Trompower '591. The first location refers to Col. 21 of Trompower '591 where a wireless base station 156 transmits a request to another base station 154, 156, and, in return, the base station 154, 156 transmits the contents of its roaming table which contains the hopping sequences of other base stations 154, 156.

As explained above with respect to Claim 4, in this context base station 156 is a slave device because it communicates via the selected base station (a master) to the system backbone. Therefore, Trompower '591 does not teach notifying a first master of the hopping sequence of the slave with a second master, but rather teaches the first master notifying the slave of the hopping sequence of other masters. The Final Office Action refers to the wireless base station as a master. Even with the identification of the wireless base station as a master, the communication cited by the Office includes notifying a first master of the hopping sequence of another master with a second master. No slave device is identified or referred to in a roaming table. (See Trompower '591, FIG. 10 (roaming table) and Col. 16, line 45 – Col. 18, line 49)

The second location referred to in the Final Office Action refers to Trompower '591, Column 19, lines 15-38. Here, Trompower '591 discusses the procedure to which each base station 154 enters system 150. After a base station 154 has been connected to the system backbone 152, the base station 154 is powered up and completes self-initialization routines. In this context, the base station is a master. Then, the base station generates and broadcasts an entry packet. The entry packet requests other base stations to reply with an entry response packet with includes frequency hopping sequences. With this interpretation, the other base stations replying with the entry response packet could be construed to be “notifying a first master (the base station 154) of the hopping sequence of a second master (the other bases stations).” As demonstrated in A(i), hopping sequences of a slave device with a second master are not identified in an entry response packet (See also Trompower '591, FIG. 9 (entry response packet), Col. 14, l. 33 – Col. 16, line 44).



Further, Claim 23 also recites that “the instructions, when executed, further result in polling the first master from the second master to determine if the first master is receiving a signal from the slave.” As demonstrated with respect to Claim 4, Trompower ‘591 cannot meet both of these limitations.

(ii) Regarding “the instructions.. further result in polling the first master from the second master to determine if the first master is receiving a signal from the slave”

The Final Office Action in paragraph 2 asserts that “it was established above that base stations (second masters) do request, or poll, for updated roaming tables from other base stations (first masters). It is therefore evident that when updated roaming tables are sent to the original base station from the other base stations, information is provided onto whether a mobile unit is associated, or receiving a signal, from another base station.”

As demonstrated in B(ii), a roaming table does not contain information regarding “if the first master is receiving a signal from the slave.” (See also, Trompower ‘591, FIG. 10 (roaming table) and Col. 16, line 45 – Col. 18, line 49)

As explained above in B(ii) with reference to Claim 14, the Office is confusing the first masters and the second masters. In Trompower ‘591, a master replying with an entry response packet notifies another master that the other master is communicating with a slave.

The Final Office Action further asserts that Trompower ‘591 teaches “polling the first master from the second master to determine if the first master is receiving a signal from the slave device” as in Column 10, lines 40-67 of Trompower ‘591. As explained above in B(ii) with reference to Claim 14, the roamed to indicator 310 of Trompower’591 is not an indication of “is receiving a signal from the slave device” as recited in Claim 14.

Further, the Final Office Action relies on receiving an entry response packet in Trompower '591 to teach notifying a first master of a hopping sequence of a slave with a second master; and receiving a registration notification packet in Trompower '591 to teach polling the first master from the second master to determine if the first master is receiving a signal from the slave. As shown in A(ii) above, receiving an entry response packet from other base stations does not include receiving a registration notice packet. Receiving an entry response packet occurs during power up and configuration of a base station but receiving a registration notice packet occurs after a mobile device switches transmission between one base station to another base station. Claim 23 recites that the instructions that result in notifying further result in polling.

Accordingly, for at least the foregoing reasons, Trompower '591 fails to teach the limitations of Claim 23. The rejection of Claim 23 is thus unsupported, and must be withdrawn. Claims 24-25 depend from allowable Claim 23 and are allowable for at least this reason.

Conclusion

Appellant respectfully submits that all the pending claims in this patent application are patentable and request that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

Intel Corporation

Date: Oct. 21, 2004

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## **VIII. CLAIMS APPENDIX**

1. (argued only with respect to dependent Claim 4) A method comprising:  
polling a first master transmitting device with a second master transmitting device to  
determine a hopping sequence of the first master transmitting device.
2. – 3. (not argued)
4. (original) The method of claim 1, wherein polling the first master transmitting device  
includes determining whether the first master transmitting device is receiving a signal  
from a slave transmitting device.
5. – 12. (not argued)
13. (canceled)
14. A method of transferring communication from a network to a slave device,  
comprising:  
notifying a first master of the hopping sequence of the slave with a second master; and  
polling the first master from the second master to determine if the first master is receiving  
a signal from the slave device.
15. The method of claim 14, wherein polling the first master includes transmitting a  
packet over the network.

16. The method of claim 15, wherein polling the first master includes a wireless transmission.

17. The method of claim 14, further comprising updating a table of near neighbors.

18. – 21. (not argued)

22. (canceled)

23. An article comprising:

a storage medium having stored thereon instructions, that, when executed by a computing platform, results in:

notifying a first master of a hopping sequence of a slave with a second master;

wherein the instructions, when executed, further result in polling the first master from the second master to determine if the first master is receiving a signal from the slave.

24. The article of claim 23, wherein the instructions, when executed, further result in transmitting a packet over the network.

25. The article of claim 23, wherein the instructions, when executed, further result determining if a signal strength between the slave and the second master is approaching a predetermined threshold.

**IX. EVIDENCE APPENDIX**

Not Applicable

**X. RELATED PROCEEDINGS APPENDIX**

Not Applicable